Court No. 2

Writ Petition No. 239 of 2003

Mohammad Umar …… Petitioner.

Vs.

Principal,
St. Joseph's College, Nainital
and others ……. Respondents.

……..

Hon. P.C. Verma, A.C.J.
Hon. Irshad Hussain, J.

Heard Sri S.N. Babulkar, learned counsel for the petitioner and Sri Pitamber Maulekhi, learned counsel for the respondents.

This writ petition is filed by the father of a student seeking admission of his son in class-1st in St. Joseph's College, Nainital, which is a minority institution. According to the learned counsel for the petitioner, 45 seats were advertised to be filled up in class 1st by competitive examination and interview of the candidates. Against which, 110 applications were received. Without disclosing the merit list, respondent college firstly admitted 40 candidates and published a waiting list. In the second lot of admission, the college has adopted the pick and choose policy and admission has been given to the candidates not according to merit.

Sri Pitamber Maulekhi, filed power on behalf of the respondents and made a statement at Bar that only 45 candidates have been admitted. Out of which 40, candidates were admitted in the first lot and 5 candidates were admitted in the second lot and no more. He also produced before us, the waiting list on the basis of merit, which is taken on record. From this waiting list, only 5 candidates have been given admission. Therefore, the statement made by Sri Pitamber Maulekhi, learned counsel for the respondents is correct and the apprehension of the petitioner that 50 candidates have been admitted is misconceived. From the perusal of the merit list, it is further revealed that son of the petitioner is at the bottom of the merit list. Therefore, he has no chance of admission according to merit list against any one of the 45 seats. Thus, the challenged raised in the writ petition is devoid of merit.

The writ petition is accordingly dismissed.

Dt. 01.04.2003 (**P.C. Verma, A.C.J.**) (**Irshad Hussain, J.**)

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